

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
v.

ANSELMO RAIGOSA GARCIA,
Defendant

No. CR-03-2119-FVS

ORDER DENYING §2255 MOTION
WITH LEAVE TO RENEW

IT IS HEREBY ORDERED that the Defendant's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255, **Ct. Rec.** 33, is **DENIED AS UNTIMELY** because the Defendant's case is still pending on direct review. Pursuant to the statutory rules § 2255 petitions, the Defendant may renew his motion after the Ninth Circuit issues a mandate in this case.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order, furnish copies to counsel and the defendant, and close the civil file, CV-04-56-FVS.

DATED this 6th day of May, 2005.

s/ Fred Van Sickle
Fred Van Sickle
Chief United States District Judge